

MCI

**MCI Telecommunications
Corporation**

1801 Pennsylvania Avenue, NW
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EX PARTE OR LATE FILED

Kecia Boney

Senior Regulatory Counsel
Local Markets and Enforcement

ORIGINAL

June 24, 1999

Magalie Salas
Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

RECEIVED

JUN 24 1999

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte - MCI WorldCom, Inc.
Petition for Declaratory Ruling Regarding the Use of Section 252(i) to Opt into
Provisions Containing Non-Cost-Based Rates
CC Docket No. 99-143

Dear Ms. Salas:

Enclosed please find a copy of a letter that was submitted today to Julie Patterson, Policy and Program Planning Division of the Common Carrier Bureau. Please place the letter, and attachment, into the above-referenced docket.

If there are any questions, please feel free to contact the undersigned.

Sincerely,

Kecia Boney
Kecia Boney

Encl.

cc: Julie Patterson

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Kecia Boney
Senior Regulatory Counsel
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June 24, 1999

Julie Patterson
Policy and Programming Division
Federal Communications Commission
445 Twelfth Street, S.W.
Room 5-C143
Washington, D.C. 20554

Re: Ex Parte - MCI WorldCom, Inc.
Petition for Declaratory Ruling Regarding the Use of Section 252(i) to Opt into
Provisions Containing Non-Cost-Based Rates
CC Docket No. 99-143

Dear Ms. Patterson:

Enclosed is a copy of a letter dated November 6, 1998, from Daniel W. Matson, Director Regulatory and Governmental Affairs, GTE Service Corporation, to Scot Cullen, PE Administrator, Telecommunications Division, Public Service Commission of Wisconsin, concerning the issues raised in the above-referenced petition. As you will note, in the attached letter, GTE took the position that adoption of state-approved interconnection agreements pursuant to section 252(i) of the Telecommunications Act of 1996 do not require state commission approval. GTE also opined that section 252(i) does not provide for changes to the underlying terms of the agreement, and state commissions therefore have no authority to make any changes to agreements adopted pursuant to section 252(i). The attached letter conflicts with GTE's position in the above-referenced proceeding.

If there are any questions, please feel free to contact the undersigned.

Sincerely,

Kecia Boney
Kecia Boney

Encl.

Daniel W. Matson
Director
Regulatory and
Governmental Affairs

PUBLIC SERVICE COMMISSION



GTE Service
Corporation

100 Communications Drive
Wauwata, WI 53590
800 837-1732
Fax: 608 837-1126

November 6, 1998

Scot Cullen, PE, Administrator
Telecommunications Division
Public Service Commission of Wisconsin
610 North Whitney Way
P.O. Box 7854
Madison, WI 53707-7854



Approval of an Interconnection Agreement)
Between GTE North Incorporated and)

West Wisconsin Communications Systems Inc.)	05-TI-191
Chequamegon Telecommunications Company, Inc.)	05-TI-192
MH Telecom, Inc.)	05-TI-190
NET LEC Inc.)	05-TI-189

Dear Mr. Cullen,

In letters dated September 10 and 11, 1998 to the Public Service Commission of Wisconsin (PSCW), Mr. Michael Theis of Keisling Consulting requested that the PSCW take certain action relating to the referenced agreements. He urged the PSCW to approve the filed agreements, but also requested the PSCW to require GTE to sign the agreement(s) and "update the appendices". GTE North respectfully requests the PSCW's consideration of the following.

First, a request for terms and conditions under 252(i) of the Telecommunications Act of 1996 ("Act") is not a request to negotiate or arbitrate an interconnection agreement under the Act. The terms GTE is required to provide under Section 252 (i) of the Act are dictated by statute in response to a unilateral demand by a CLEC. There is nothing negotiable about the requirement. A CLEC may insist without negotiation that GTE provide it the same terms as GTE provides another CLEC. In this instance, GTE has acknowledged the statutory obligation and notified the Commission that the terms between it and the above referenced CLECs will be the same as the terms in the agreement with CTC Communications Inc. The CTC agreement has already been approved by the Commission, and no further approval is required under the act. Moreover, GTE has notified the Commission of the adoption of the CTC agreement by the referenced companies and GTE has already begun to apply the 252 (i) terms to these

A part of GTE Corporation

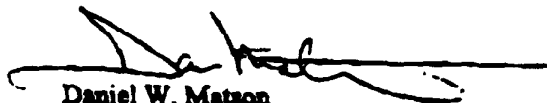
companies. In view of these facts, there is no basis to require approval much less a signature to the agreements.

Second, Changing the CTC appendices would be nothing less than changing the underlying CTC terms. Section 252(i) of the Act does not provide for changes to underlying terms, so there is no authority for the Commission to make such changes. The requirement under 252(i) is for the same terms, not different terms. Thus, the referenced companies would be entitled to the same appendices as CTC, not other ones. Notwithstanding this, however, as a result of discussions with Mr. Theis, it is my understanding the parties have agreed between themselves to a resolution of this issue. Thus no commission action is required.

I understand that discussions between GTE and Mr. Theis subsequent to the filing of the September 10 and 11 letters have revealed that Mr. Theis concurs that the commission action he originally requested regarding the signatures and changes to the original CTC agreement appendices are not required.

If you have questions or need further information on this matter, please contact me at (608) 837-1732. My FAX number is (608) 837-1128. In my absence, you may contact Paul Verhoeven of my staff at (608) 837-1733. I have filed 10 copies of this letter with the PSCW.

Very truly yours,



Daniel W. Matson
State Director-External Affairs

Cc: Mr. Michael Theis-Keisling Consulting
Mr. Ken Barth-PSCW
Mr. Nick Linden-PSCW